IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 681 OF 2007

Smt. Ruchira Hiren Nanavati .... Petitioner
Vs.
State of Maharashtra & Ors. .... Respondents

Mrs. S.R. Sawant for the Petitioner.
Ms. V.V. Kejariwal, APP for Respondent No. 1.

CORAM : SMT. RANJANA P. DESAI &
SHRI. D.B. BHOSALE, JJ.

DATE : 19TH APRIL, 2007

P.C.

1) The Petitioner/wife has prayed for quashing of F.I.R. No. 93 of 2006 and investigation pursuant thereto. The said complaint is filed by the Petitioner's father at Dindoshi Police Station, Mumbai.

2) Today in the Court, the Petitioner and her father is present. So also the Respondent Nos. 2 and 3 are present. The learned Counsel for the Petitioner states that the Petitioner and Respondent Nos. 2 and 3 have amicably settled the dispute and consent terms have been filed in the Family Court at Bandra, Mumbai. She submitted that

in view of the consent terms, this Court may quash the pending F.I.R. The Petitioner, her father and Respondent Nos. 2 and 3 confirmed that the dispute is settled. Her father who is the complainant has no objection if the complaint filed by him is quashed in view of the settlement.

3) We have perused the consent terms. It is stated in the consent terms that the Petitioner shall be entitled to withdraw the amount of Rs.1,50,000/- only after withdrawing all criminal cases. The 2nd Respondent states that he has no objection if the Petitioner is permitted to withdraw the said amount of Rs.1,50,000/-. We, therefore, direct the Family Court at Bandra, Mumbai to permit the Petitioner to withdraw the said amount of Rs.1,50,000/- without any security immediately. In view of the settlement and in the light of the judgment of Supreme Court B.S. Joshi and Others Vs. State of Haryana and another, 2003 ALL MR (Cri) 1162 (S.C.), we quash the F.I.R. no. 93 of 2006 pending in Dindoshi Police Station. We are informed that the Divorce Petition is kept before the Family Court on 7th May 2007 for appropriate orders. In view of our present order, the Family Court may pass a decree of divorce by mutual consent on 7th May 2007.

4) Petition is disposed of in aforesaid terms.

(SMT. RANJANA P. DESAI, J.)

(SHRI. D.B. BHOSALE, J.)